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Remarks

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of this amendment, Claims 1, 2, 4-6, and 8-10 will be all the claims pending examination. Per the outstanding Office Action and the Decision On Appeal, Claims 1, 2, and 4-6 stand finally rejected. Instantly, Claims 1, 2, and 4-6 are amended and Claims 8-10 are newly added. No new matter is added by the amendments to the claims. Please note that Applicant is filing a Request for Continued Examination, herewith, so as to further advance the prosecution of the application. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claim Rejection under 35 U.S.C. § 102(b)

Becke relates to "[a] catalyst system based on monoazadiene metal complexes and their use for the polymerization of unsaturated compounds, especially for the polymerization and copolymerization of olefins and/or dienes." (Col. 1, Lines 4-8).

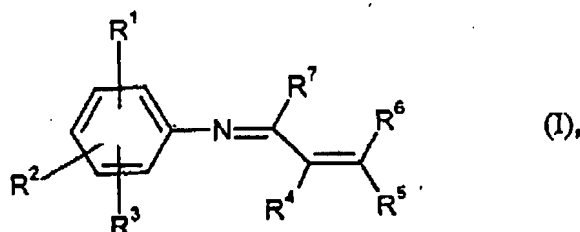
Applicant has explained before its position that Becke fails to disclose the anti-ageing azadiene compound as previously claimed, because Becke discloses a metal complex polymerization catalyst, wherein the metal complex includes a monoazadiene as compared to the non-metal complexed compound set forth in the claimed invention.

However, as indicated by the Board:

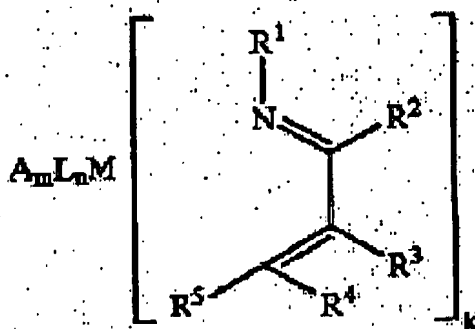
The difficulty with [Applicant's] argument is that it neglects the plain language of the claims on appeal, namely, that the anti-aging agent is "based on organic compounds comprising azadiene groups of the general formula (I)"... The term "based on," in a chemical context, is broad, and includes chemical derivatives of the compounds shown. If [Applicant] intended to restrict the scope of anti-aging agents to compounds of formula (I), he could have used such ordinary claim language as "anti-aging agents having general formula (I)," which would have excluded complexes with metals or other chemical entities.

(Decision On Appeal, Pg. 8)

Presently, independent Claims 1 and 5 have been amended to recite, *inter alia*, an anti-aging agent having the formula (I)



Thus, although the metal complex of Becke contains a monoazadiene, the same does not meet or teach the presently claimed invention's anti-aging agents, since Becke teaches only the preparation of the monoazadiene **metal complex** of the formula



Since the cited art fails to teach all of the elements of the presently claimed invention, Applicant respectfully submits that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore &

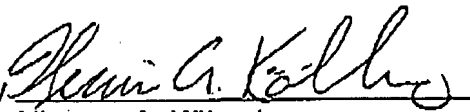
Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that independent Claims 1 and 5 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 5, it is thus also submitted that Claims 2, 4, 6, and 8-10 are also allowable at this juncture. Notice to the effect is hereby earnestly solicited.

If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

While no fees are believed to be necessary in connection with this submission other than those submitted herewith, the USPTO is hereby authorized to charge any fees which may be required by this paper and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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